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SENATE

S.B. No. 2616

RECEIVED BY: 

(In substitution of Senate Bill Nos. 2204 and 2551,
taking into consideration House Bill No. 8202)

Prepared by the Committees on Environment, Natural Resources and Climate
Change; and Finance with Senators Villar (C.) and Villar (M.), as authors

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF
POLANGUI AND OAS, AND CITIES OF LIGAO AND TABACO, IN THE
PROVINCE OF ALBAY, A PROTECTED AREA WITH THE CATEGORY OF
PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED
AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE MT. MASARAGA
PROTECTED LANDSCAPE (MMPL), PROVIDING FOR ITS MANAGEMENT,
AND APPROPRIATING FUNDS THEREFOR

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

ARTICLE I

GENERAL PROVISIONS

1
2
3 Section 1. *Title.* — This Act shall be known and referred to as the "Mt.
4 Masaraga Protected Landscape (MMPL) Act".

5 Sec. 2. *Declaration of Policy.* — Cognizant of the profound impact of human
6 activity on all components of the natural environment, it is hereby declared the
7 policy of the State to secure for the Filipino people of present and future
8 generations, the perpetual existence of all native plants and animals through the
9 declaration of protected areas under the National Integrated Protected Areas System
10 (NIPAS) within the classification of national park as provided for in the Constitution.

1 In recognition of the richness of the biological resources, both flora and
2 fauna, that are native and distinct to Mt. Masaraga, as well as their aesthetic and
3 ecological importance, a parcel of land of the public domain located in the
4 Municipalities of Oas and Polangui, and the Cities of Ligao and Tabaco in the
5 Province of Albay is hereby declared a protected area under the category of
6 protected landscape and shall hereinafter be referred to as the Mt. Masaraga
7 Protected Landscape (MMPL). As such, the State shall ensure the conservation,
8 protection, management, and rehabilitation of the area. It is likewise recognized that
9 effective administration of this area is possible only through cooperation among the
10 National Government, Local Government Units (LGUs), concerned Non-Governmental
11 Organizations (NGOs), private entities, and local communities. The use and
12 enjoyment of this area must be consistent with the principles of biological diversity
13 and sustainable development.

14 Towards this end, the State shall ensure the full implementation of this Act,
15 the mobilization of resources for the institutional mechanisms herein established,
16 and the full scientific and technical support needed for the conservation of
17 biodiversity and the integrity of the ecosystems, and cultural and indigenous
18 practices.

19 *Sec. 3. Classification as a National Park.* — The MMPL is composed of a parcel
20 of land of the public domain located in the Municipalities of Oas and Polangui, and
21 the Cities of Ligao and Tabaco in the Province of Albay, the metes and bounds of
22 which are described in Section 4 of this Act. All lands of the public domain within the
23 coverage and scope of the MMPL shall fall under the classification of a national park
24 as provided for in Article XII, Section 3 of the Constitution.

25 *Sec. 4. Scope and Coverage.* — The boundaries of the MMPL are more
26 particularly described as the area beginning at a point marked "1" on the map being
27 S23°42'25"E, 630.51 meters from PRS Control Monument "CBM-11" with geographic
28 coordinates of 13°18'41.12556" Latitude and 123°35'47.39395" Longitude within the
29 boundary of the Municipality of Oas and the Cities of Ligao and Tabaco, Province of
30 Albay:

1	thence	S 83°05' 20" W	694.83	meters to corner	2 ;
2	thence	S 80°02' 58" W	604.82	meters to corner	3 ;
3	thence	S 76°33' 05" W	494.31	meters to corner	4 ;
4	thence	N 59°55' 53" W	229.45	meters to corner	5 ;
5	thence	N 76°25' 46" W	311.79	meters to corner	6 ;
6	thence	N 53°14' 02" W	238.61	meters to corner	7 ;
7	thence	N 28°27' 37" W	479.32	meters to corner	8 ;
8	thence	N 14°57' 31" E	267.00	meters to corner	9 ;
9	thence	N 64°14' 48" W	217.54	meters to corner	10;
10	thence	N 34°47' 21" W	227.78	meters to corner	11;
11	thence	N 44°04' 23" W	430.3	meters to corner	12;
12	thence	N 08°06' 56" E	550.97	meters to corner	13;
13	thence	N 42°52' 44" E	319.77	meters to corner	14;
14	thence	N 28°41' 18" W	404.04	meters to corner	15;
15	thence	N 58°15'59" W	351.92	meters to corner	16;
16	thence	N 25°08'47" W	375.08	meters to corner	17;
17	thence	S 58°28' 59" E	621.38	meters to corner	18;
18	thence	N 32°05' 33" E	348.02	meters to corner	19;
19	thence	N 08°25' 37" E	272.8	meters to corner	20;
20	thence	N 45°00' 00" E	254.42	meters to corner	21;
21	thence	N 60°01' 13" E	292.49	meters to corner	22;
22	thence	S 46°58' 53" E	548.43	meters to corner	23;
23	thence	S 40°41' 09" E	1717.30	meters to corner	24;

1 shall be created to oversee the management of the MMPL. The PAMB shall be
2 composed of the following:

- 3 a) DENR Regional Executive Director for Region V, as Chairperson;
- 4 b) Governor of the Province of Albay or a duly designated representative;
- 5 c) Senators of the Republic of the Philippines who are duly registered residents
6 of the Province of Albay, or their duly authorized representatives, unless the
7 Senators decline the membership in the PAMB;
- 8 d) District Representative of the Congressional District where the MMPL is
9 located, or a duly designated representative, unless the District
10 Representative declines the membership in the PAMB;
- 11 e) Mayors of the Municipalities of Oas and Polangui, and the Cities of Ligao and
12 Tabaco, in the Province of Albay or their duly designated representatives;
- 13 f) Chairpersons of all the *barangays* with territorial jurisdiction over the MMPL;
- 14 g) Regional Directors of the following government agencies, namely:
15 Department of Agriculture (DA), National Economic and Development
16 Authority (NEDA), Department of Science and Technology (DOST), Philippine
17 National Police (PNP), Department of National Defense (DND), and
18 Department of Tourism (DOT);
- 19 h) Three (3) representatives from either NGOs or people's organizations (POs)
20 based in the Province of Albay, duly accredited both by the DENR and the
21 provincial government. The NGOs or POs represented should have been in
22 existence for at least five (5) years and with a track record in or related to
23 protected area management;
- 24 i) At least one (1) but not more than three (3) representatives from all the
25 indigenous cultural communities (ICCs)/indigenous peoples (IPs) present in
26 the area and recognized by the National Commission on Indigenous Peoples
27 (NCIP);

- 1 j) One (1) representative from an academic institution, preferably from a
2 university or college in the Province of Albay, with a proven track record in
3 or related to protected area management; and
- 4 k) One (1) representative from the private sector, preferably a resident of the
5 Province of Albay, who is distinguished in a profession or field of interest
6 relevant to the management of a protected area.

7 The terms of office of members of the PAMB, as well as the grounds for their
8 removal shall be in accordance with the provisions of Republic Act No. 7586,
9 otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of
10 1992" as amended by Republic Act No. 11038, otherwise known as the "Expanded
11 National Integrated Protected Areas (ENIPAS) System Act of 2018".

12 *Sec. 7. Powers and Functions of the PAMB.* — The PAMB shall have the
13 following powers and functions:

- 14 a) Oversee the management of the MMPL;
- 15 b) Approve policies, plans and programs, proposals, agreements, and other
16 related documents for the management of the MMPL;
- 17 c) Approve the management plan of the MMPL and ensure its harmonization
18 with and integration into the Ancestral Domain Sustainable Development and
19 Protection Plan (ADSDPP), land use plan and other development plans,
20 public or private, and their implementation;
- 21 d) Adopt a manual of operations to include rules of procedures in the conduct
22 of business, and the creation of committees and their respective terms of
23 reference;
- 24 e) Recommend the deputation of appropriate agencies and individuals for the
25 enforcement of the laws, rules and regulations governing the management
26 of the MMPL;
- 27 f) Allocate financial resources for the implementation of the management plan
28 and manage the Protected Area-Retention Income Account (PA-RIA) and

1 other funds in accordance with government accounting, budgeting, and
2 auditing rules and regulations;

3 g) Set fees and charges in accordance with existing guidelines;

4 h) Issue rules and regulations for the resolution of conflicts through appropriate
5 and effective means;

6 i) Recommend appropriate policy changes to the DENR and other government
7 authorities with respect to the management of the MMPL;

8 j) Monitor and assess the performance of the Protected Area Superintendent
9 (PASu) and other protected area personnel and compliance of partners with
10 the terms and conditions of any undertaking, contract or agreement relative
11 to any project or activity within the MMPL;

12 k) Recommend from among a shortlist of qualified candidates, the designation
13 or appointment of the PASu; and

14 l) Assess the effectiveness of the management of the MMPL: *Provided*, That
15 the members of the PAMB representing the LGUs and national agencies shall
16 inform their respective constituents, offices or sectors, of PAMB-approved or
17 other relevant policies, rules, regulations, programs, and projects and shall
18 ensure that the provisions of this Act and the rules and regulations issued to
19 implement it are complied with and used as reference and framework in
20 their respective plans, policies, programs, and projects. Failure to comply
21 with the foregoing shall be the basis for disciplinary action against such
22 member according to administrative rules and regulations and such penalties
23 as the PAMB may provide: *Provided, further*, That the DENR, through the
24 Regional Director, shall ensure that the PAMB acts within the scope of its
25 powers and functions. In case of conflict between the resolutions issued by
26 the PAMB and the existing administrative orders of national application, the
27 latter shall prevail.

28 *Sec. 8. The Protected Area Management Office (PAMO).* — There is hereby
29 established a Protected Area Management Office (PAMO) to be headed by a PASu

1 who shall supervise the day-to-day management, protection, and administration of
2 the MMPL. The PASu shall hold a permanent plantilla position and shall be appointed
3 by the DENR Secretary. A sufficient number of support staff with permanent plantilla
4 positions shall likewise be appointed by the DENR Secretary to assist the PASu in the
5 management of the protected area.

6 The PASu shall be primarily accountable to the PAMB and the DENR for the
7 management and operations of the MMPL. Pursuant thereto, the PASu shall have the
8 following duties and responsibilities:

- 9 a) Prepare the management plan, in consultation with the stakeholders,
10 including the annual work and financial plan, and ensure its
11 implementation;
- 12 b) Ensure the integration of relevant national and LGU plans and programs
13 into MMPL management plans, programs, projects, and policies;
- 14 c) Provide secretariat services to the PAMB and its committees and ensure
15 the availability of relevant and timely information for decision-making;
- 16 d) Formulate and recommend to the PAMB proposed policies, rules,
17 regulations, and programs;
- 18 e) Establish, operate, and maintain a database management system which
19 shall be an important basis for decision-making;
- 20 f) Enforce the laws, rules and regulations relevant to the MMPL, commence
21 and institute administrative and legal actions in collaboration with other
22 government agencies or organizations, and assist in the prosecution of
23 offenses committed in violation of the provisions of this Act;
- 24 g) Monitor, evaluate, and report the implementation of management
25 activities of the MMPL;
- 26 h) Request for and receive any technical assistance, support or advice from
27 any agency or instrumentality of the government as well as academic

1 institutions, NGOs, and the private sector, as may be necessary for the
2 effective management, protection and administration of the MMPL;

- 3 i) Issue permits and clearances for activities that implement the
4 management plan and other permitted activities in accordance with
5 terms, conditions, and criteria established by the PAMB: *Provided*, That
6 all permits for extraction of natural resources for research purposes,
7 including the collection of wildlife and its by-products or derivatives, shall
8 specify the acts to be authorized, and shall continue to be issued by
9 relevant authorities, subject to prior clearance from the PAMB, through
10 the PASu;
- 11 j) Collect and receive pertinent fees, charges, donations, and other income
12 for the MMPL: *Provided*, That such fees, charges, donations, and other
13 income collected and received shall be reported regularly to the PAMB
14 and the DENR in accordance with existing guidelines;
- 15 k) Prepare and recommend to the PAMB, approval of the annual work and
16 financial plans of the MMPL based on the management plan; and
- 17 l) Perform such other functions as the PAMB and the DENR may assign.

18 The PAMO may be augmented by the deputized local environment and
19 natural resources officers upon the recommendation of the PAMB and approval of
20 the DENR.

21 ARTICLE III
22 PROCEEDS AND FEES

23 *Sec. 9. The Mt Masaraga Protected Landscape Integrated Protected Area*
24 *Fund.* — There is hereby established a trust fund to be known as the Mt. Masaraga
25 Protected Landscape Integrated Protected Area Fund (MMPL-IPAF) for purposes of
26 financing projects of the MMPL and the NIPAS. All income generated from the
27 operation and management of the MMPL shall accrue to the MMPL-IPAF. The income
28 shall be derived from fees and charges from the use of resources and facilities of the

1 MMPL, contributions from industries and facilities directly benefiting from the MMPL,
2 and such other fees and income derived from the operation of the MMPL.

3 The PAMB shall retain seventy-five percent (75%) of all revenues raised
4 through the above means, which shall be deposited in the Protected Area-Retained
5 Income Account (PA-RIA) in any authorized government depository bank within the
6 locality: *Provided*, That disbursements out of such deposits shall be used solely for
7 the protection, maintenance, administration, and management of the MMPL and
8 implementation of duly approved projects of the PAMB. The remaining twenty-five
9 percent (25%) of revenues shall be deposited as a special account in the General
10 Fund of the National Treasury for purposes of financing the projects of the NIPAS.

11 The fund may be augmented by grants, donations, and endowments from
12 various sources, domestic or foreign: *Provided*, That the fund shall be deposited in
13 full as a special account in the National Treasury and disbursements therefrom shall
14 be made solely for the protection, maintenance, administration and management of
15 the NIPAS and duly approved projects endorsed by the PAMB in accordance with
16 existing accounting, budgeting and auditing, rules and regulations: *Provided, further*,
17 That the fund shall not be used to cover personal services expenditures.

18 The LGUs shall continue to impose and collect all other fees not enumerated
19 herein which they have traditionally collected, such as business permits, property tax
20 and rentals of LGUs' facilities.

21 ARTICLE IV

22 MISCELLANEOUS PROVISIONS

23 *Sec. 10. Appropriations.* — The Secretary of the DENR shall immediately
24 include in the Department's program the implementation of this Act, the funding of
25 which shall be included in the annual General Appropriations Act.

26 *Sec. 11. Suppletory Application of the NIPAS Law.* — The provisions of
27 Republic Act No. 7586, as amended by Republic Act No. 11038, shall have
28 suppletory application to this Act.

1 Sec. 12. *Implementing Rules and Regulations.* — Within ninety (90) days
2 from the effectivity of this Act, the Secretary of the DENR shall, in consultation with
3 the local governments of the Municipalities of Oas and Polangui, and the Cities of
4 Ligao and Tabaco, the provincial government of Albay, and concerned national
5 government agencies, issue the corresponding rules and regulations for the effective
6 implementation of this Act.

7 Sec. 13. *Separability Clause.* — If any section or provision of this Act is held
8 unconstitutional or invalid, the remaining sections or provisions not affected thereby
9 shall continue to be in full force and effect.

10 Sec. 14. *Repealing Clause.* — All laws, decrees, executive orders, rules and
11 regulations, and other issuances or parts thereof inconsistent with the provisions of
12 this Act are hereby repealed or modified accordingly.

13 Sec. 15. *Effectivity.* — This Act shall take effect fifteen (15) days after its
14 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,



C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the technical description (TD) of Senate Bill No. 2204, also referred to as the “Mt. Masaraga Protected Landscape”, is correct in terms of general location and total area; and compliant with the standard bearing-distance format and PRS92 requirement. Further, its linear error of closure is within the allowable limit. The said TD is subject to ground delineation and demarcation.

This Certification is issued upon the request of the Senate Committee on Environment, Natural Resources and Climate Change, Senate, Pasay City.



Used. **PETER M. TIANGCO, PhD, CESO I**
Administrator

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SENATE BILL NO. 2204

“An Act Declaring a Parcel of Land Located in the Municipalities of Polangui and Oas, and Cities of Ligao and Tabaco, in the Province of Albay, a Protected Area with the Category of Protected Landscape Under the National Integrated Protected Area System, to be Referred to as the Mt. Masaraga Protected Landscape, Providing for Its Management, and Appropriating Funds Therefor”

TECHNICAL DESCRIPTION

Beginning at a point marked "1" on the map being S 23°42'25" E, 630.51 meters from PRS Control Monument **“CBM-11”** with geographic coordinates of **13°18'41.12556" Latitude and 123°35'47.39395" Longitude** within the boundary of the Municipality of Oas and the Cities of Ligao and Tabaco, Province of Albay

thence	S 83°05' 20" W	694.83	meters to corner	2 ;
thence	S 80°02' 58" W	604.82	meters to corner	3 ;
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thence	N 14°57' 31" E	267	meters to corner	9 ;
thence	N 64°14' 48" W	217.54	meters to corner	10 ;
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thence	S 46°58' 53" E	548.43	meters to corner	23 ;
thence	S 40°41' 09" E	1717.3	meters to corner	24 ;
thence	N 53°14'00" E	223.03	meters to corner	25 ;
thence	S 47°15' 53" E	1912.7	meters to corner	26 ;
thence	S 06°49'01" E	233.82	meters to corner	27 ;
thence	S 57°57'45" W	847.69	meters to corner	1

the point of beginning, containing an area of **EIGHT HUNDRED FORTY (840)** hectares, more or less. Bearings and Distances of lines were derived using the PRS 1992 Philippines Zone IV coordinate system, subject to ground delineation and demarcation.